## REMARKS

The Office Action of April 28, 2004, has been reviewed, and in view of the foregoing amendments and following remarks, reconsideration and allowance of all of the claims pending in the application are respectfully requested. Despite disagreement with conclusions drawn in the Office Action, Applicant has submitted claim amendments that further define the inventions as originally disclosed in the above-referenced patent application that will further expedite prosecution. No new matter has been added.

### Claim Rejections - 35 U.S.C. § 101

The Office Action alleges that claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant respectfully disagrees. Claims 1 and 11 have been amended to further clarify the inventions. As claims 2-5, 7-10, 12-15 and 17-20 are dependent on claims 1 and 11, respectively, these claims inherently contain all the limitations of claims 1 and 11.

### Claim Rejections

Claims 1-7, 9-17 and 19-20 are presently rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by von Rosen *et al* (U.S. Patent No. 6,493,677 B1).

Claims 8 and 18 are presently rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over von Rosen *et al* and further in view of Official Notice.

For at least the reasons stated below, Applicant respectfully disagrees and believes the claims are patentable over the current rejections.

Exemplary embodiments of the claimed inventions are directed to a computer implemented method and system for configurating one or more products. As recited in independent claim 1, the computer implemented method includes the steps of receiving a request for a branded product from a user through an online interface; separating the product into at least an item, a process and an artwork wherein one or more item parameters, one or more process parameters and one or more artwork parameters are identified; applying a pricing algorithm for assigning a price to the product wherein the price is based on the item, the process and the artwork where a combination of the item parameters, process parameters and artwork parameters generates the price; linking the item parameters, the process parameters and the artwork parameters; creating a product identifier for the product; and branding the product as requested, wherein the product is identified by the product identifier. Independent claim 11 recites similar limitations.

The von Rosen *et al* as applied by the Office Action fails to meet the combination of claim limitations set forth by Applicant. More specifically, the independent claims recite ***a pricing algorithm for assigning a price to the product wherein the price is based on the item, the process and the artwork where a combination of the item parameters, process parameters and artwork parameters generates the price***. These claimed features are not found in the applied reference. The von Rosen *et al* reference appears to disclose a method and apparatus for creating and ordering customized branded merchandise over a computer network. However, there is no discussion of a pricing algorithm as claimed by Applicant. Clearly, von Rosen *et al* falls short of meeting the claimed limitations. Therefore, the applied reference in any

combination fails to anticipate or obviate the claimed inventions. For at least these deficiencies, the rejections of the pending claims are improper and should be withdrawn.

With respect to claims 8 and 18, the Office Action relies upon Official Notice to address quantity break pricing parameters. The Office Action alleges that the concept and benefits of quantity break pricing information are notoriously old and well known in selling and buying transactions because a quantity break motivates the buyer to purchase more in quantity (page 8, Office Action mailed 4/28/04). Applicant respectfully traverses such a finding. The identification of quantity break pricing information as process parameters, as recited by Applicant, is not well known and common in the art.

The remaining claims depend ultimately from independent claims 1 and 11 and, as such, contain the features recited in claims 1 and 11. As discussed above, the proposed combinations fail to suggest or disclose each feature recited in claims 1 and 11 and, therefore, also fails to suggest or disclose at least these same features in the dependent claims 2-5, 7-10, 12-15 and 17-20. For at least this reason, Applicant respectfully submits that the rejections of the pending claims are improper and request that they be withdrawn.

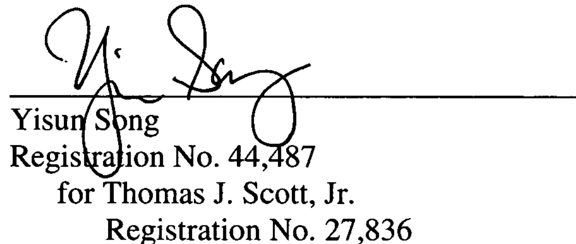
## CONCLUSION

In view of the foregoing amendments and arguments, it is respectfully submitted that this application is now in condition for allowance. If the Examiner believes that prosecution and allowance of the application will be expedited through an interview, whether personal or telephonic, the Examiner is invited to telephone the undersigned with any suggestions leading to the favorable disposition of the application.

It is believed that no fees are due for filing this Response. However, the Director is hereby authorized to treat any current or future reply, requiring a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. Applicant also authorizes the Director to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees, to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,
HUNTON & WILLIAMS LLP

By:



Yisun Song
Registration No. 44,487
for Thomas J. Scott, Jr.
Registration No. 27,836

Hunton & Williams LLP
1900 K Street, N.W., Suite 1200
Washington, D.C. 20006-1109
(202) 955-1500 (Telephone)
(202) 778-2201 (Facsimile)
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